

## **Board Administration and Regulatory Coordination Unit**

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### **Division 3. Air Resources Board**

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### **Chapter 1. Air Resources Board**

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### **Subchapter 1.25. Administrative Procedures–Hearings**

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### **Article 2. Administrative Hearing Procedures for Petitions for Review of Executive Officer Decisions**

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### **Subarticle 9. Reconsideration**

#### **§ 60055.41. Decision on Reconsideration; Stays.**

(a) The state board may upon the request of a party or its own motion, stay, suspend, or postpone the order or decision that it has issued while the request for reconsideration is pending.

(b) The state board shall consider the request for reconsideration at the next scheduled board meeting at which the matter may be timely considered and may:

- (1) Review some, but not all issues raised by the request;
- (2) Affirm, rescind, or amend the findings and conclusions of law, of the order or decision; or
- (3) Direct the taking of additional evidence either by submission or further hearing.

(A) If the state board orders the parties to submit additional evidence, notice and an opportunity to respond shall be given to all parties.

(B) If the state board orders that additional evidence be taken at a further hearing conducted by the state board or the hearing officer assigned to the case and that additional findings of fact be made, notice of the time and place of the hearing shall be given to all parties and to such other persons that may be affected by the order.

(C) The issues on further hearing shall be limited to those set forth in the order issued by the state board.

(D) The time limits in section 60055.38 of these rules for filing an order or decision shall not apply to further hearings during reconsideration.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: *Mathews v. Eldridge*, 424 U.S. 319 (1976); Section 43105, Health and Safety Code; and Section 1140.10, Government Code.

#### **REFERENCE**